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expansum and mixtures thereof.

REMARKS

Applicants and their attorney thank the Examiner for the interview on June 23, 1999. This amendment supplements Amendment A filed on May 7, 1999 prior to the interview. As discussed at the interview and noted on the interview summary, from the information described in the Coppens declaration, Gyllang et al. is distinguished and the claims appear to embody patentable subject matter. Claims 7, 8, 9, 13, 14, 15, 16, 18, 20, 22, 23, 28-31 and 33 have been amended and Claims 43 to 66 have been added. Claims 1, 3-9, 13-24, 27-31, 33, and 43-66 are pending.

ATCC 4858, 9363, And 14156 As Well As NRRL 1891 And 1472 Are Publicly Available.

As set forth in the declaration of James P. Krueger, the above identified cultures are publicly available.

The Priority Document And Formal Drawings Will Be Filed Once The Claims Are Allowed.

The Declaration Incorporates The Suggestions Made By The Examiner.

The Declaration Of Theo Coppens is attached hereto and has the evidentiary detail such as the power of the microscope used to view the spores, how many millimeters were observed under the microscope and how many spores were used to provide the initial growth for the spore suspension.

Claims 2, 32, 34, 35, and 36 Have Been Retyped As Claim 43, 44, 45, 46, and 47 To Correct Typographical Errors.

Claims 13-15, 18, 20, 22-23 Have Been Amended For Clarification.

The Pending Claims Are Patentable Because Gyllang et al. Do Not Describe Mixing Activated Spores With A Cereal.

As described in the Coppens declaration, Gyllang et al.


do not describe mixing activated spores with a cereal. Indeed, as noted in the specification of the instant patent application, there is a significant improvement of enzyme activity by mixing activated spores with a cereal as opposed to not adding activated spores and even compared to mixing spores with a cereal where the spores are not activated. See the table at page 20 of the instant application where the invention which uses activated spores provided an increase in β -glucanase activity more than about 3 and about 11 times where the malting process did not have activated spores and an increase in β -glucanase activity about 2 about 10 times over a malting process that used nonactivated spores.

In view of the foregoing, applicants and their attorney respectfully request that the Examiner allow the pending claims.

Respectfully submitted,

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